THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19670 of 1997

ORAL ORDER:

Though initially the writ petition was filed with some prayer, thereafter it was amended seeking a Mandamus to declare the action of the respondents in not providing employment to the petitioners on permanent basis under land displaced permanent quota is violative of Articles 14, 16 and 21 of the Constitution of India and consequently to direct the respondents to provide employment to the petitioners on permanent basis.

It is the case of the petitioners that their lands were acquired for the purpose of locating Bharat Dynamics Limited and on the basis that they are land oustees, they were all appointed in Bharat Dynamics Limited on casual basis. However, their services were sought to be terminated orally though they have completed 240 days of service, without assigning any reasons and without any notice or complying with the provisions of Section 25-F of the Industrial Disputes Act, 1947.

A detailed counter affidavit has been filed by the respondents denying the allegations made by the petitioners. It is stated that the petitioners are not land oustees and they were appointed on tenure basis and as soon as their tenure is completed, their services were dispensed with. Petitioners have no right whatsoever to claim for permanent absorption and it cannot be said that there is a violation of provisions of Section 25-F of the I.D. Act.

The matter underwent several adjournments and at last, the learned counsel for petitioners has filed an additional affidavit along with certain documents showing that the petitioners are either land oustees or the dependants of land oustees and on that basis they were appointed in the respondent organization on casual basis. The respondents filed counter to the said additional affidavit stating that the names of the petitioners did not

figure in the notification issued by the Government of A.P. under Section 4(1) of the Land Acquisition claiming as land oustees/pattedars. None of the petitioners are beneficiaries either under Memorandum of Understanding or scheme of absorption as casual workmen. Further, it is stated that they have not put in 240 days of service continuously preceding the date of their termination.

However, the material papers filed by the petitioners would show that the Revenue Divisional Officer, Sangareddy addressed a letter to the Managing Director, Bharat Dynamics Limited dated 6.3.1993 stating that the first petitioner is the brother of land holder and in Form-9 dated 22.9.1986 the brother of first petitioner by name K.Jagan Mohan Reddy S/o Rukma Reddy was shown as owner. Likewise, petitioners also filed a letter addressed by the Revenue Divisional Officer showing that the second petitioner is the land oustee.

Under those circumstances, the respondents are directed to look into the entire material placed before this Court by the petitioners and pass appropriate orders, as per law, after examining the said records and after verifying the facts from the competent authority, if necessary and pass appropriate orders within a period of (8) weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 26.7.2007

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19670 of 1997

26.7.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.19670 of 1997

Date: 26th July, 2007

Between:

K.Srinivasa Reddy & others.

.. Petitioners

And

Government of A.P., rep. by its
Secretary, Revenue Department,
Secretariat Buildings, Hyderabad & others.

.. Respondents